

**NOTICE OF PROPOSED WATER POLLUTION CONTROL PERMIT
FOR KANEOHE YACHT CLUB
NPDES PERMIT NO. HI S000556**

DOCKET NO. HI S000556

July 25, 2019

The State Department of Health (DOH) tentatively proposes to issue a National Pollutant Discharge Elimination System (NPDES) permit to discharge storm water associated with industrial activity from the Kaneohe Yacht Club facility, to receiving State waters, subject to special conditions to:

**KANEOHE YACHT CLUB
44-503 KANEOHE BAY DRIVE
KANEOHE, HAWAII 96744**

The proposed permit for the new discharge will expire five (5) years from the date of issuance.

The facility is located at 44-503 Kaneohe Bay Drive, Kaneohe, Island of Oahu, Hawaii, TMK (1) 4-4-022:032. Kaneohe Yacht Club is classified by the Standard Industrial Classification code 7997 – Membership Sports and Recreational Clubs. The facility covers a land area of approximately 224,470 square feet. The majority of the property is impervious, consisting of asphalt pavement with some landscaping around the pool area.

Kaneohe Yacht Club industrial activities are performed in the maintenance area and consist of boat washing, maintenance and repair work, scraping, sanding, grinding, and painting. Kaneohe Yacht Club requests to discharge storm water runoff from the proposed facility. Best Management Practices for storm water runoff and non-storm water sources will be implemented to minimize the discharge of pollutants from entering receiving State waters. The receiving State waters, Kaneohe Bay, is classified by the DOH as Class AA, Marine Waters under Hawaii Administrative Rules, Chapter 11-54.

Persons wishing to comment upon or object to the proposed NPDES permit or to request a public hearing, should submit their comments or requests in writing no later than 30 calendar days after the date of this notice, either through E-mail at cleanwaterbranch@doh.hawaii.gov or by mail at P.O. BOX 3378, Honolulu, Hawaii 96801-3378.

Copies of the proposed public notice permit and other information are available for public inspection, Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m., at the DOH Clean Water Branch office located at 2827 Waimano Home Road, Room 225, Pearl City, Hawaii 96782. Copies may be bought. The public notice permit and rationale are also available on the internet at: <http://health.hawaii.gov/cwb/site-map/home/public-notices-and-updates>.

For more information or if you have special needs due to disability that will aid you in inspecting and/or commenting on the public notice permit and related information, please contact Mr. Darryl Lum, Supervisor of the Engineering Section, Clean Water Branch, at the above address or at (808) 586-4309 (Voice) at least seven (7) calendar days before the comment deadline. For those who use a TTY/TDD, please call through Sprint Relay Hawaii, at 1-711 or 1-877-447-5991

All written comments and requests received on time will be considered. If DOH determines that there is significant public interest, a public hearing may be held after at least 30 calendar days of public notice.

If DOH's position is substantially unchanged after considering all timely written comments and all oral comments at any public hearing that may be held, then the DOH will issue the NPDES permit and this action will be final.

Please notify anyone you know who would be interested in this matter.

BRUCE S. ANDERSON, Ph.D.
Director of Health

07005PCTM.19a

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act (CWA), as amended, (33 U.S.C. § 1251 *et seq.*; the "Act") and Hawaii Revised Statutes (HRS), Chapter 342D, and Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55, and Department of Health (DOH), State of Hawaii,

**KANEOHE YACHT CLUB
44-503 KANEOHE BAY DRIVE
KANEOHE, HAWAII 96744**

(hereinafter PERMITTEE),

is authorized to discharge storm water associated with industrial activities from the Kaneohe Yacht Club Maintenance Area, (hereinafter FACILITY), located at 44-503 Kaneohe Bay Drive, Kaneohe, Oahu, Hawaii, 96744, to the receiving State waters identified in the table below:

Discharge Point No.	Receiving State Water	Classification	Latitude (N)	Longitude (W)
1	Kaneohe Bay	Class AA, Marine Water and Embayment	21.4175577276°	157.7662827599°

in accordance with the general requirements, discharge monitoring requirements and other conditions set forth herein, and in the attached DOH "Standard NPDES Permit Conditions," that is available on the DOH, Clean Water Branch (CWB) website at <http://health.hawaii.gov/cwb/site-map/home/standard-npdes-permit-conditions/>.

All references to Title 40 of the Code of Federal Regulations (CFR) are to regulations that are in effect on July 1, 2018, except as otherwise specified. Unless otherwise specified herein, all terms are defined as provided in the applicable regulations in Title 40 of the CFR.

Failure to comply with any condition, requirement, and/or limitation in this permit is an enforceable violation and your National Pollutant Discharge Elimination System (NPDES) permit may be terminated. Examples of enforceable violations include, but are not limited to: Unauthorized discharges where a pollutant was not disclosed in the NPDES application, but was detected by monitoring only requirements in the NPDES permit or by other means determined by the DOH; failure to sample, analyze, or submit water quality results as required in the NPDES permit; and discharging pollutants in locations that were not authorized in the NPDES permit. If you violate Hawaii Revised Statutes (HRS), Chapter 342D, you may be subject to penalties of up to \$25,000 per violation per day and up to two (2) years in jail.

Falsification of information, including providing information in the NPDES application that does not match what is actually occurring at the project site/facility, may result in criminal penalties for the Permittee and their authorized representative as provided in CWA, Section 309 and HRS, Section 342D-35.

This permit will become effective on _____, 2019.

This permit and the authorization to discharge will expire at midnight,
_____, 2024.

Signed this ___ th day of _____, 2019.

(For) Director of Health

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ATTACHMENT:
STANDARD NPDES PERMIT CONDITIONS (VERSION 15)

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A. COVERAGE UNDER THIS PERMIT

1. General Requirements

The Permittee Shall:

- a. Comply with all materials submitted in and with the application, dated June 21, 2018.
- b. Design, implement, operate, and maintain the Storm Water Pollution Control Plan (SWPCP) to ensure that storm water discharges associated with industrial activities will not cause or contribute to a violation of applicable State water quality standards.
- c. Comply with all requirements in this permit, until its termination. In case of conflict with any requirements, the more stringent requirements shall apply.
- d. Retain a copy of this permit and all other related materials and the SWPCP, with all subsequent revisions, at a designated location identified in the SWPCP.
- e. Ensure that anyone working under this permit complies with the terms and conditions of this permit.
- f. Not cause or contribute to a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-4.
- g. Include the permit number, **HIS000556**, and the following certification with all information required under this permit:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- h. Know that Mr. Frederic Berg of Kaneohe Yacht Club Shall comply with all NPDES conditions. An authorized representative may be appointed in accordance with Part G.2.

2. Allowable Storm Water Discharges

Unless otherwise made ineligible under Part A.4, the following discharges are covered under this permit:

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- Storm water discharges associated with industrial activity for any primary industrial activities and co-located industrial activities;
 - Discharges designated by the DOH as needing a storm water permit; and
 - Discharges that are not otherwise required to obtain NPDES permit authorization but are mixed with discharges that are authorized under this permit.
3. Allowable Non-Storm Water Discharges
- Discharges from emergency/unplanned firefighting activities;
 - Fire Hydrant flushing;
 - Potable water, including water line flushing;
 - Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors and from the outside storage of refrigerated gases or liquids;
 - Irrigation drainage;
 - Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;
 - Pavement wash waters where no detergents or hazardous cleaning products are used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities (see Part E.2.c) or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (e.g., applying absorbent materials and sweeping, using hydrophobic mops/rags) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention; settlement);
- Hazardous Materials or Hazardous Substances or Toxic Materials** – for the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.2.
- Control Measures** – refers to any storm water control or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to state waters.
- Minimize** – for the purposes of this permit, minimize means to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practices.
- Routine external building washdown/power wash water that does not use detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols);

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- Uncontaminated ground water or spring water;
 - Foundation or footing drains where flows are not contaminated with process materials; and
 - Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown; drains).
4. Limitations on Coverage
- Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to the DOH after issuance of this permit via any means, including the CWB Individual NPDES Form to be covered by the permit, the SWPCP, or during an inspection.
- a. For Discharges Mixed with Non-Storm Water.
- Storm water discharges that are mixed with non-storm water discharges, other than those mixed with allowable non-storm water discharges listed in Part A.3 and/or those mixed with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES authorization, are not eligible for coverage under this permit.
- b. For Storm Water Discharges Associated with Construction Activity.
- Storm water discharges associated with construction activity disturbing one acre or more, or that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more, are not eligible for coverage under this permit.
- c. For Discharges Currently or Previously Covered by Another Permit.

Unless you have received written notification from the DOH specifically allowing these discharges to be covered under this permit, you are not eligible for coverage under this permit for any of the following:

- Storm water discharges associated with industrial activity that are currently covered under a NPDES General Permit or an alternative individual NPDES permit; or
- Discharges from facilities where any NPDES permit has been or is in the process of being denied, terminated, or revoked by the DOH (this does not apply to the routine reissuance of permits every five years).

B. CONTROL MEASURES AND DISCHARGE LIMITS

The technology-based limits in Part B.1, the term “minimize” means reduce and/or eliminate to the extent achievable using control measures (including best management practices (BMPs)) that are technologically available and economically practicable and achievable in light of best industry practice. The term “infeasible” means not technologically possible or not economically practicable and achievable in light of best industry practices.

1. Control Measures

You must select, design, install, and implement control measures (including BMPs) to minimize pollutant discharges that address the selection and design considerations in Part B.1.a, meet the non-numeric effluent limits in Part B.1.b, and meet the water quality based effluent limitations in Part B.2. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer’s specifications. Note that you may deviate from such manufacturer’s specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPCP that describes your control measures. If you find that your control measures are not achieving their intended effect of minimizing pollutant discharges to meet applicable water quality standards or any of the other non-numeric effluent limits in this permit, you must modify these control measures per the corrective action requirements in Part D. Regulated storm water discharges from your facility include storm water run-on that commingles with storm water discharges associated with industrial activity at your facility.

Effluent limit requirements in Part B.1.b that do not involve the site-specific selection of a control measure or are specific activity requirements (e.g., “Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe”) are marked with an asterisk (*). When documenting in your SWPCP, indicate how you will comply with the requirements marked with an asterisk, you have the option of including additional information or you may just “cut-and-paste” those effluent limits verbatim into your SWPCP without providing additional documentation.

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a. Control Measures Selection and Design Considerations.

You must consider the following when selecting and designing control measures:

- Preventing storm water from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from storm water;
- Using control measures in combination may be more effective than using control measures in isolation for minimizing pollutants in your storm water discharge;
- Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- Minimizing impervious areas at your facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve ground water recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
- Attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- Conserving and/or restoring riparian buffers will help protect streams from storm water runoff and improve water quality; and
- Using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

b. Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT).

You must comply with the following non-numeric effluent limits:

- i. **Minimize Exposure.** You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain and runoff in order to minimize pollutant discharges by either locating these industrial materials and activities inside or protecting them with storm resistant coverings. Unless infeasible, you must also:
 - Use grading, berthing or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
 - Locate materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge;
 - Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;

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- Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents;
 - Use spill/overflow protection equipment;
 - Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
 - Drain fluids from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks.
- ii. **Good Housekeeping.** You must keep clean all exposed areas that are potential sources of pollutants. You must perform good housekeeping measures in order to minimize pollutant discharges, including but not limited to, the following:
- Sweep or vacuum at regular intervals or, alternatively, wash down the area and collect and/or treat, and properly dispose of the washdown water;
 - Store materials in appropriate containers;
 - Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that discharges have a control (e.g., secondary containment, treatment). This permit does not authorize dry weather discharges from dumpsters or roll off boxes; *
 - Minimize the potential for waste, garbage and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged.
 - **Pressure Washing Area.** If pressure washing is used to remove marine growth from vessels, the discharge water must be permitted by a separate NPDES permit. Collect or contain the discharges from the pressure washing area so that they are not commingled with stormwater discharges authorized by this permit.
 - **Blasting and Painting Area.** Minimize the potential for spent abrasives, paint chips, and overspray to be discharged into receiving waters or the storm sewer system. Contain all blasting and painting activities, or use other measures, to minimize the discharge of contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). At least once per month, you must clean storm water conveyances of deposits of abrasive blasting debris and paint chips.

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- **Material Storage Areas.** Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. Specify which materials are stored indoors and contain or enclose or use other measures for those stored outdoors. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.
- **Engine Maintenance and Repair Areas.** Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing all maintenance activities indoors; maintaining an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting the practice of hosing down the shop floor; using dry cleanup methods; and treating and/or recycling storm water runoff collected from the maintenance area.
- **Material Handling Area.** Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels) through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering fueling areas; using spill and overflow protection; mixing paints and solvents in a designated area (preferably indoors or under a shed); and minimizing runoff of storm water to material handling areas.
- **Drydock Activities.** Routinely maintain and clean the drydock to minimize discharges of pollutants in storm water. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock. To minimize discharges of pollutants in storm water from drydock activities, implement control measures such as the following, where determined to be feasible (list not exclusive): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding; and making absorbent materials and oil containment booms readily available to clean up or contain any spills.

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- iii. **Maintenance.** You must maintain all control measures that are used to achieve the effluent limits in this permit in effective operating condition, as well as all industrial equipment and systems, in order to minimize pollutant discharges.

Effective Operating Condition. For the purposes of this permit, a storm water control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharge.

This includes:

- Performing inspections and preventive maintenance of storm water drainage, source controls, treatment systems, and plant equipment and systems that could fail and result in contamination of storm water.
- Diligently maintaining non-structural control measures (e.g., keep spill response supplies available, personnel appropriately trained).
- Inspecting and maintaining baghouses at least quarterly to prevent the escape of dust from the system and immediately removing any accumulated dust at the base of the exterior baghouse.*
- Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe. *
- Perform timely inspection and maintenance of storm water management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

If you find that your control measures are in need of routine maintenance, you must conduct the necessary maintenance immediately in order to minimize pollutant discharges. If you find that your control measures need to be repaired or replaced, you must immediately take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be discharged during subsequent storm events. Final repairs/replacement of storm water controls should be completed as soon as feasible but must be no later than the timeframe established in Part D.3 for corrective actions, i.e., within 14 days or, if that is infeasible, within 45 days. If the completion of storm water control repairs/replacement will exceed the 45-day timeframe, you may take the

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minimum additional time necessary to complete the maintenance, provided that you notify the DOH of your intention to exceed 45 days, and document in your SWPCP your rationale for your modified maintenance timeframe. If a control measure was never installed, was installed incorrectly or not in accordance with Parts B, or is not being properly operated or maintained, you must conduct corrective action as specified in Part D.

Note: In this context, the term “immediately” requires you to, on the same day you identify that a control measure needs to be maintained, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if a problem is identified at a time in the work day when it is too late to take action, the initiation of action must begin no later than the following work day. “All reasonable steps” means that the permittee has undertaken initial actions to assess and address the condition causing the corrective action, including, for example, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new BMPs to be installed at a later date. “All reasonable steps” for purposes of complying with Part D.2 Conditions Requiring SWPCP Review to Determine if Modifications Are Necessary, when you conclude a corrective action is, in fact, not necessary, could include documenting why a corrective action is unnecessary.

- iv. **Spill Prevention and Response.** You must minimize the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur in order to minimize pollutant discharges. You must conduct spill prevention and response measures, including but not limited to, the following:
- Plainly label containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur; *
 - Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas;
 - Develop training on the procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;
 - Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made; and
 - Notify appropriate facility personnel when a leak, spill, or other release occurs.

Where a leak, spill or other release containing a hazardous substance or oil

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in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period, you must notify the CWB at (808) 586-4309 during regular business hours which are Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m. or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours. Contact information must be in locations that are readily accessible and available.

- v. **Erosion and Sediment Controls.** You must minimize erosion by stabilizing exposed soils at your facility in order to minimize pollutant discharges and placing flow velocity dissipation devices at discharge locations to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points. You must also use structural and non-structural control measures to minimize the discharge of sediment. The DOH does not allow the use of polymers and/or chemical treatments as part of your controls.
- vi. **Management of Runoff.** You must divert, infiltrate, reuse, contain, or otherwise reduce Storm Water runoff to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with EPA's Internet-based resources relating to runoff management, including the sector-specific Industrial Storm Water Fact Sheet Series, National Menu of Storm water BMPs, and National Management Measures to Control Nonpoint Source Pollution from Urban Areas, and any similar resources.
- vii. **Employee Training.** You must train all employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your storm water pollution prevention team. You must ensure the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:
 - Personnel who are responsible for the design, installation, maintenance, and/or repair of controls (including pollution prevention measures);
 - Personnel responsible for the storage and handling of chemicals and materials that could become contaminants in storm water discharges;
 - Personnel who are responsible for conducting and documenting monitoring and inspections as required in Parts C and F; and
 - Personnel who are responsible for taking and documenting corrective actions as required in Part D.

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Personnel must be trained in at least the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

- An overview of what is in the SWPCP;
 - Spill response procedures, good housekeeping, maintenance requirements, and material management practices;
 - The location of all controls on the site required by this permit, and how they are to be maintained;
 - The proper procedures to follow with respect to the permit's pollution control requirements; and
 - When and how to conduct inspections, record applicable findings, and take corrective actions.
- viii. **Non-Storm Water Discharges.** You must evaluate for the presence of non-storm water discharges. Any non-storm water discharges not explicitly authorized in this permit or covered by another NPDES permit must be eliminated. This includes vehicle and equipment/tank wash water. If not covered under a separate NPDES permit, wastewater, wash water and any other unauthorized non-storm water must be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or otherwise disposed of appropriately.
- ix. **Dust Generation and Vehicle Tracking of Industrial Materials.** You must minimize generation of dust and off-site tracking of raw, final, or waste materials in order to minimize pollutant discharges.
2. Water Quality-Based Effluent Limitations.
- a. Water Quality Standards.
- Your discharge must be controlled as necessary to meet applicable water quality standards (i.e., your discharge must not cause or contribute to an exceedance of applicable water quality standards).
- The DOH expects that compliance with the conditions in this permit will control discharges as necessary to meet applicable water quality standards as described in HAR Chapter 11-55, Appendix A, Section 1. If at any time you become aware, or the DOH determines, that your discharge does not meet applicable water quality standards, you must take corrective action(s) as required in Part D.1 and document the corrective actions as required in Part D.4.

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The DOH may also require that you undertake additional control measures (to meet the narrative water quality-based effluent limit above) if information in your reports or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. You must implement all measures necessary to be consistent with an available waste load allocation in a DOH established and EPA approved TMDL.

b. Discharges to Water Quality-Impaired Waters.

You are considered to discharge to an impaired water if the first State water to which you discharge is identified by the DOH as not meeting an applicable water quality standard, and:

- Requires development of a TMDL (pursuant to Section 303(d) of the CWA);
- Is addressed by a DOH established and EPA-approved TMDL; or
- Is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1).

Note: For discharges that enter a separate storm sewer system prior to discharge, the first state water to which you discharge is the waterbody that receives the water from the storm sewer system.

The Permittee shall develop and submit a facility specific waste load allocation (WLA) implementation and monitoring plan to the Director when a Total Maximum Daily Load (TMDL), which specifies WLAs applicable to the Permittee's discharge, is approved by the EPA within one (1) year of notification of the approval date.

C. INSPECTIONS

1. Routine Facility Inspections

During normal facility operating hours, the Permittee shall conduct inspections of areas of the facility covered by the requirements in this permit, including, but not limited to, the following:

- Areas where industrial materials or activities are exposed to storm water;
- Areas identified in the SWPCP and those that are potential pollutant sources;
- Areas where spills and leaks have occurred in the past three years;
- Discharge points; and
- Control measures used to comply with the effluent limits contained in this permit.

Inspections must be conducted at least quarterly (i.e., once each calendar quarter), or in some instances more frequently (e.g., monthly). Increased frequency may be appropriate for some types of equipment, processes and storm water control measures, or areas of the facility with significant activities and materials exposed to storm water. At least once each calendar year, the routine inspection must be conducted during a period when a storm water discharge is occurring.

Inspections must be performed by qualified personnel as defined below, with at least one member of your storm water pollution control team participating. Inspectors must consider the results of visual and analytical monitoring (if any) for the past year when planning and conducting inspections.

Qualified Personnel – qualified personnel are those who are knowledgeable in the principles and practices of industrial storm water controls and pollution prevention, and who possess the education and ability to assess conditions at the industrial facility that could impact storm water quality, and the education and ability to assess the effectiveness of storm water controls selected and installed to meet the requirements of the permit.

During the inspection you must examine or look out for the following:

- Industrial materials, residue or trash that may have or could come into contact with storm water;
- Leaks or spills from industrial equipment, drums, tanks and other containers;
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the facility;

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- Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas;
- Control measures needing replacement, maintenance or repair.

During an inspection occurring during a storm water event or discharge, control measures implemented to comply with effluent limits must be observed to ensure they are functioning correctly. Discharge points, as identified in the Individual NPDES Application, must also be observed during this inspection. If such discharge locations are inaccessible, nearby downstream locations must be inspected.

Discharge Point – for the purposes of this permit, the location where collected and concentrated storm water flows are discharged from the facility such that the first receiving waterbody into which the discharge flows, either directly or through a separate storm sewer system, is a state water.

Routine Facility Inspection Documentation.

You must document the findings of your facility inspections and maintain this report with your SWPCP. Do not submit your routine facility inspection report to the DOH, unless specifically requested to do so. Document all findings, including but not limited to, the following information:

- The inspection date and time;
- The name(s) and signature(s) of the inspector(s);
- Weather information;
- All observations relating to the implementation of control measures at the facility, including:
 - A description of any discharges occurring at the time of the inspection;
 - Any previously unidentified discharges from and/or pollutants at the site;
 - Any evidence of, or the potential for, pollutants entering the drainage system;
 - Observations regarding the physical condition of and around all outfalls, including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water;
 - Any control measures needing maintenance, repairs, or replacement;
- Any additional control measures needed to comply with the permit requirements;
- Any incidents of noncompliance; and
- A statement, signed and certified in accordance with Part A.1.g.

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Any corrective action required as a result of a routine facility inspection must be performed consistent with Part D of this permit.

If you performed a discharge visual assessment required in Part C.2 during your facility inspection, you may include the results of the assessment with the report required in Part C.1, as long as all components of both types of inspections are included in the report.

2. Quarterly Visual Assessment of Storm Water Discharges.

a. Quarterly Visual Assessment Procedures.

Once each quarter for the entire permit term, you must collect a storm water sample from each outfall (except as noted in Part C.2.c) and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with 40 CFR Part 136 procedures but must be collected in such a manner that the samples are representative of the storm water discharge.

The visual assessment must be made:

- Of a sample in a clean, colorless glass or plastic container, and examined in a well-lit area;
- On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take the sample within the first 30 minutes; and
- For storm events, on discharges that occur at least 72 hours (three days) from the previous discharge. The 72-hour (three-day) storm interval does not apply if you document that less than a 72-hour (three-day) interval is representative for local storm events during the sampling period.

You must visually inspect or observe the sample for the following water quality characteristics:

- Color;
- Odor;
- Clarity (diminished);
- Floating solids;
- Settled solids;
- Suspended solids;
- Foam;
- Oil sheen; and

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- Other obvious indicators of storm water pollution.

Whenever the visual assessment shows evidence of storm water pollution, you must initiate the corrective action procedures in Part D.

b. Quarterly Visual Assessment Documentation.

You must document the results of your visual assessments and maintain this documentation onsite with your SWPCP. You are not required to submit your visual assessment findings to the DOH, unless specifically requested to do so. Your documentation of the visual assessment must include, but not be limited to:

- Sample location(s);
- Sample collection date and time, and visual assessment date and time for each sample;
- Personnel collecting the sample and performing visual assessment, and their signatures;
- Nature of the discharge (i.e., runoff or snowmelt);
- Results of observations of the storm water discharge;
- Probable sources of any observed storm water contamination;
- If applicable, why it was not possible to take samples within the first 30 minutes; and
- A statement, signed and certified in accordance with HAR 11-55-07.

Any corrective action required as a result of a quarterly visual assessment must be performed consistent with Part D of this permit.

c. Exceptions to Quarterly Visual Assessments.

Adverse Weather Conditions: When adverse weather conditions prevent the collection of samples during the quarter, you must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with your SWPCP records as described in Part E.5. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or situations that otherwise make sampling impractical.

Climates with Irregular Storm Water Runoff: If your facility is located in an area where limited rainfall occurs during many parts of the year (e.g., arid or semi-arid climate) that prevent runoff from occurring for extended periods, then your samples for the quarterly visual assessments may be distributed during seasons when precipitation runoff occurs.

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Semi-Arid Areas: areas where annual rainfall averages from 10 to 20 inches.

Substantially Identical Outfalls: If your facility has two or more outfalls that discharge substantially identical effluents, as documented in Part E.2.e.iii, you may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform visual assessments on a rotating basis of each substantially identical outfall throughout the period of your coverage under this permit.

If storm water contamination is identified through visual assessment performed at a substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

3. Authorization to Inspect.

The DOH may conduct an inspection of any facility covered by this permit to ensure compliance with state law requirements, including state water quality standards.

D. CORRECTIVE ACTIONS

1. Conditions Requiring SWPCP Review and Revision to Ensure Effluent Limits are Met.

When any of the following conditions occur or are detected during an inspection, monitoring or other means, or the DOH or the operator of the MS4 through which you discharge informs you that any of the following conditions have occurred, you must review and revise, as appropriate, your SWPCP (e.g., sources of pollution; spill and leak procedures; non-storm water discharges; the selection, design, installation and implementation of your control measures) so that this permit's effluent limits are met and pollutant discharges are minimized:

- An unauthorized release or discharge (e.g., spill, leak, or discharge of non-storm water not authorized by this or another NPDES permit to State waters) occurs at your facility.
- Your control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits in this permit.
- A required control measure was never installed, was installed incorrectly, or not in accordance with Part B, or is not being properly operated or maintained.
- Whenever a visual assessment shows evidence of storm water pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam).

2. Conditions Requiring SWPCP Review to Determine if Modifications Are Necessary.

If any of the following conditions occur, you must review your SWPCP (e.g., sources of pollution, spill and leak procedures, non-storm water discharges, selection, design, installation and implementation of your control measures) to determine if modifications are necessary to meet the effluent limits in this permit:

- Construction or a change in design, operation, or maintenance at your facility that significantly changes the nature of pollutants discharged in storm water from your facility, or significantly increases the quantity of pollutants discharged.
- The average of four quarterly sampling results exceeds an applicable benchmark (see Part F.2.a.ii). If less than four benchmark samples have been taken, but the results are such that an exceedance of the four-quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than four times the benchmark level) this is considered a benchmark exceedance, triggering this review.

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Note: A benchmark exceedance does not trigger a corrective action if you determine that the exceedance is solely attributable to natural background sources, or if you make a finding that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice (see Part F.2.a.ii).

Note: When run-on to your facility causes a benchmark exceedance, in addition to reviewing and revising, as appropriate, your SWPCP, you should notify the other operators contributing run-on to your discharges to abate their pollutant contribution. Where the other operators fail to take action to address the storm water run-on, you should contact the DOH.

3. Corrective Actions and Deadlines.

a. Immediate Actions.

If corrective action is needed, you must immediately take all reasonable steps necessary to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events.

Note: In this context, the term “immediately” requires you to, on the same day a condition requiring corrective action is found, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if a problem is identified at a time in the work day when it is too late to initiate corrective action, the initiation of corrective action must begin no later than the following work day. “All reasonable steps” means that the permittee has undertaken initial actions to assess and address the condition causing the corrective action, including, for example, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new BMP to be installed at a later date. “All reasonable steps” for purposes of complying with Part D.2 Conditions Requiring SWPCP Review to Determine if Modifications Are Necessary, when you conclude a corrective action is, in fact, not necessary, could include documenting why a corrective action is unnecessary.

b. Subsequent Actions.

If you determine that additional actions are necessary beyond those implemented pursuant to Part D.3.a, you must complete the corrective actions (e.g., install a new or modified control and make it operational, complete the repair) before the next storm event if possible, and within 14 calendar days from the time of discovery of the corrective action condition. If it is infeasible to complete the corrective action within 14 calendar days, you must document why it is infeasible to complete the corrective action within the

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14-day timeframe. You must also identify your schedule for completing the work, which must be done as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. If the completion of corrective action will exceed the 45-day timeframe, you may take the minimum additional time necessary to complete the corrective action, provided that you document your rationale for an extension and a completion date in the SWPCP (see Part D.4). Where your corrective actions result in changes to any of the controls or procedures documented in your SWPCP, you must modify your SWPCP accordingly within 14 calendar days of completing corrective action work.

These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements do not persist indefinitely.

4. Corrective Action Documentation.

You must document the existence of any of the conditions listed in Parts D.1 or D.2 within 24 hours of becoming aware of such condition. You are not required to submit your corrective action documentation to the DOH, unless specifically requested to do so. However, you must summarize your findings in annually in your SWPCP. Include the following information in your documentation:

- Description of the condition triggering the need for corrective action review. For any spills or leaks, include the following information: a description of the incident including material, date/time, amount, location, and reason for spill, and any leaks, spills or other releases that resulted in discharges of pollutants to State waters, through storm water or otherwise;
- Date the condition was identified;
- Description of immediate actions taken pursuant to Part D.3.a to minimize or prevent the discharge of pollutants. For any spills or leaks, include response actions, the date/time clean-up completed, notifications made, and staff involved. Also include any measures taken to prevent the reoccurrence of such releases (see Part B.1.b.iv); and
- A statement, signed and certified in accordance with Part A.1.g.

You must also document the corrective actions taken or to be taken as a result of the conditions listed in Part D.1 or D.2 (or, for triggering events in Part D.2 where you determine that corrective action is not necessary, the basis for this determination) within 14 days from the time of discovery of any of those conditions. Provide the dates when each corrective action was initiated and

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completed (or is expected to be completed). If applicable, document why it is infeasible to complete the necessary installations or repairs within the 14-day timeframe and document your schedule for installing the controls and making them operational as soon as practicable after the 14-day timeframe. If you require an extension of the 45-day timeframe, you must document your rationale for an extension.

5. Effect of Corrective Action.

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. The CWB will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

6. Substantially Identical Outfalls.

If the event triggering corrective action is associated with an outfall that had been identified as a “substantially identical outfall” (see Parts C.2.c and F.1.a), your review must assess the need for corrective action for all related substantially identical outfalls. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event. Any corrective actions must be conducted within the timeframes set forth in Part D.3.

E. STORM WATER POLLUTION CONTROL PLAN

The Permittee shall submit to the DOH-CWB the SWPCP which meets the applicable requirements as specified in this permit within 120 days of the date of NPDES permit issuance.

1. Person(s) Responsible for SWPCP Preparation

The SWPCP shall be prepared in accordance with good engineering practices and to industry standards. The SWPCP may be developed by either a person on your staff or a third party you hire, but it must be developed by a “qualified person” and must be certified per the signature requirements in Part E.2.g. If the DOH concludes that the SWPCP is not in compliance with Part E.2 of this permit, The DOH may require the SWPCP to be reviewed, amended as necessary, and certified by a Professional Engineer with the education and experience necessary to prepare an adequate SWPCP.

Note: A “qualified person” is a person knowledgeable in the principles and practices of industrial storm water controls and pollution prevention, and possesses the education and ability to assess conditions at the industrial facility that could impact storm water quality, and the education and ability to assess the effectiveness of storm water controls selected and installed to meet the requirements of the permit.

2. Contents of Your SWPCP

For coverage under this permit, your SWPCP must contain all of the following elements:

- Storm water pollution prevention team (see Part E.2.a);
- Site description (see Part E.2.b);
- Summary of potential pollutant sources (see Part E.2.c);
- Description of control measures (see Part E.2.d);
- Schedules and procedures (see Part E.2.e); and
- Signature requirements (see Part E.2.f).

Where your SWPCP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan, copies of the relevant portions of those documents must be kept with your SWPCP.

a. Storm Water Pollution Prevention Team.

You must identify the staff members (by name or title) that comprise the facility's storm water pollution prevention team as well as their individual responsibilities (e.g., monitoring, inspections, maintenance, etc.). Your storm

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water pollution prevention team is responsible for, but not limited to overseeing development of the SWPCP, any modifications to it, and for implementing and maintaining control measures and taking corrective actions when required.

Each member of the storm water pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPCP, and other relevant documents or information that must be kept with the SWPCP.

b. Site Description.

Your SWPCP must include the following:

- *Activities at the Facility.* Provide a description of the nature of the industrial activities at your facility.
- *General location map.* Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your storm water discharges.
- *Site map.* Provide a map showing:
 - Boundaries of the property and the size of the property in acres;
 - Location and extent of significant structures and impervious surfaces;
 - Directions of storm water flow (use arrows);
 - Locations of all storm water control measures;
 - Locations of all receiving waters, including wetlands, in the immediate vicinity of your facility. Indicate which waterbodies are listed as impaired;
 - Locations of all storm water conveyances including ditches, pipes, and swales;
 - Locations of potential pollutant sources identified under Part E.2.c.ii;
 - Locations where significant spills or leaks identified under Part E.2.c.iii have occurred;
 - Locations of all storm water monitoring points;
 - Locations of storm water inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall 001, 002), indicating if you are treating one or more outfalls as “substantially identical” under Parts C.2.c, E.2.e.iii, and F.1.a, and an approximate outline of the areas draining to each outfall;
 - If applicable, MS4s and where your storm water discharges to them;
 - Locations of the following activities where such activities are exposed to precipitation:
 - fueling stations;
 - vehicle and equipment maintenance and/or cleaning areas;
 - loading/unloading areas;

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- locations used for the treatment, storage, or disposal of wastes;
 - liquid storage tanks;
 - processing and storage areas;
 - immediate access roads used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
 - transfer areas for substances in bulk;
 - machinery;
 - locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.
- *Drainage Area Site map.* Document in your SWPCP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).
- c. **Summary of Potential Pollutant Sources.**
- You must describe areas at your facility where industrial materials or activities are exposed to storm water or from which allowable non-storm water discharges originate. Industrial materials or activities include but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For structures located in areas of industrial activity, you must be aware that the structures themselves are potential sources of pollutants. This could occur, for example, when metals such as aluminum or copper are leached from the structures as a result of acid rain.
- For each area identified, the description must include:
- i. **Activities in the Area.** A list of the industrial activities exposed to storm water (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).
 - ii. **Pollutants.** A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents) associated with each

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identified activity, which could be exposed to rainfall and could be discharged from your facility. The pollutant list must include all significant materials that have been handled, treated, stored or disposed, and that have been exposed to storm water in the three years prior to the date you prepare or amend your SWPCP.

- iii. **Significant Materials.** Includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges. See 40 CFR 122.26(b)(12).
- iv. **Spills and Leaks.** You must document where potential spills and leaks could occur that could contribute pollutants to storm water discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. You must document all significant spills and leaks of oil or toxic or hazardous substances that actually occurred at exposed areas, or that drained to a storm water conveyance, in the three years prior to the date you prepare or amend your SWPCP.

Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

- v. **Unauthorized Non-Storm Water Discharges.** You must document that you have evaluated for the presence of unauthorized non-storm water discharges.
Documentation of your evaluation must include:
 - The date of the evaluation;
 - A description of the evaluation criteria used;
 - A list of the outfalls or onsite drainage points that were directly observed during the evaluation; and
 - The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), or documentation that a separate NPDES

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permit was obtained. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for an unauthorized cooling water discharge.

d. Description of Control Measures to Meet Technology-Based and Water Quality-Based Effluent Limits.

You must document the location and type of control measures you have specifically chosen and/or designed to comply with:

- Non-numeric technology-based effluent limits in Part B.1.b;
- Water quality-based effluent limits in Part B.2;
- Applicable benchmark limits in Part F.2.a.i;
- Regarding your control measures, you must also document, as appropriate:
 - How you addressed the selection and design considerations in Part B.1.a;
 - How they address the pollutant sources identified in Part E.2.c.

Effluent limit requirements in Part B.1.b that do not involve the site-specific selection of a control measure or are specific activity requirements (e.g., “cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe”) are marked with an asterisk (*). For the requirements marked with an asterisk, you may include extra information, or you may just “cut-and-paste” these effluent limits verbatim into your SWPCP without providing additional documentation.

e. Schedules and Procedures.

- i. **Pertaining to Control Measures Used to Comply with the Effluent Limits in Part B.** The following must be documented in your SWPCP:
- Good Housekeeping (See Part B.1.b.ii) – A schedule or the convention used for determining when pickup and disposal of waste materials occurs. Also provide a schedule for routine inspections for leaks and conditions of drums, tanks and containers.
 - Maintenance (See Part B.1.b.iii) – Preventative maintenance procedures, including regular inspections, testing, maintenance and repair of all control measures to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line. The SWPCP shall include the schedule or frequency for maintaining all control measures used to comply with the effluent limits in Part B;

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- Spill Prevention and Response Procedures (See Part B.1.b.iv) – Procedures for preventing and responding to spills and leaks, including notification procedures. For preventing spills, include in your SWPCP the control measures for material handling and storage, and the procedures for preventing spills that can contaminate storm water. Also specify cleanup equipment, procedures and spill logs, as appropriate, in the event of spills. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part E.4;
 - Employee Training (Part B.1.b.vii) – The elements of your employee training plan shall include all, but not be limited to, the requirements set forth in Part B.1.b.vii, and also the following:
 - The content of the training;
 - The frequency/schedule of training for employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit;
 - A log of the dates on which specific employees received training.
- ii. **Pertaining to Inspections and Assessments.** You must document in your SWPCP your procedures for performing, as appropriate, the types of inspections specified by this permit, including:
- Routine facility inspections (see Part C.1) and;
 - Quarterly visual assessment of storm water discharges (see Part C.2);
 - For each type of inspection performed, your SWPCP must identify;
 - Person(s) or positions of person(s) responsible for inspection;
 - Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular storm water runoff discharges (see Part C.2.c);
 - Specific items to be covered by the inspection, including schedules for specific outfalls.
- iii. **Pertaining to Monitoring.** You must document in your SWPCP procedures for conducting the three types of analytical monitoring specified by this permit, where applicable to your facility, including:
- Benchmark monitoring (see Part F.2.a);
 - Impaired waters monitoring (see Part F.2.b);
 - Other monitoring as required by DOH (see Part F.2.c).

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For each type of monitoring, your SWPCP must document:

- Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- Parameters for sampling and the frequency of sampling for each parameter;
- Schedules for monitoring at your facility, including schedule for alternate monitoring periods for climates with irregular storm water runoff (see Part F.1.f);
- Any numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges from each outfall;
- Procedures (e.g., responsible staff, logistics, laboratory to be used) for gathering storm event data, as specified in Part F.1.

You must document the following in your SWPCP if you plan to use the substantially identical outfall exception for your quarterly visual assessment requirements in Part C.2.c or your benchmark or impaired waters monitoring requirements in Parts F.2.a and F.2.b (see also Part F.1.a):

- Location of each of the substantially identical outfalls;
 - Description of the general industrial activities conducted in the drainage area of each outfall;
 - Description of the control measures implemented in the drainage area of each outfall;
 - Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to storm water discharges;
 - An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%);
 - Why the outfalls are expected to discharge substantially identical effluents.
- f. Signature Requirements. You must sign and date your SWPCP in accordance with HAR Chapter 11-55, Appendix A, Subsection 15.
3. Required SWPCP Modifications.
- You must modify your SWPCP based on the corrective actions and deadlines required under Part D.3 and that you documented under Part D.4. SWPCP modifications must be signed and dated in accordance with HAR Chapter 11-55, Appendix A, Subsection 15.
4. SWPCP Availability.
- You must retain a complete copy of your current SWPCP required by this

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permit at the facility in any accessible format. A complete SWPCP includes any documents incorporated by reference, as well as your signed and dated certification page. Regardless of the format, the SWPCP must be immediately available to facility employees, EPA, the DOH or its contractors, the operator of an MS4 into which you discharge, and representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) at the time of an onsite inspection. The DOH may request a copy of the SWPCP and the permittee is required to submit the SWPCP to the DOH within 14 days of the request. Your current SWPCP or certain information from your current SWPCP described below must also be made available to the public (except any confidential business information (CBI) or restricted information, as defined below), but you must clearly identify those portions of the SWPCP that are being withheld from public access.

Your SWPCP must include the information required by Part G.3. The DOH may provide access to portions of your SWPCP to a member of the public upon request (except any CBI or restricted information (as defined below)). To remain current, you must report any modifications to the SWPCP information required by Part G.3 through submittal of a "CWB Compliance Submittal Form for Individual NPDES and NGPCs" in the e-permitting portal form. The SWPCP update shall be no later than 45 days after conducting the final routine facility inspection for the year required in Part C.1.

Confidential Business Information (CBI) – see 40 CFR Part 2 for relevant definitions of CBI:

<http://www.gpo.gov/fdsys/pkg/CFR-2013-title40-vol1/pdf/CFR-2013-title40-vol1-part2-subpartB.pdf>.

Restricted Information – for the purposes of this permit, information that is privileged or that is otherwise protected from disclosure pursuant to applicable statutes, Executive Orders, or regulations. Such information includes but is not limited to: classified national security information, protected critical infrastructure information, sensitive security information, and proprietary business information.

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5. Additional Documentation Requirements.

You are required to keep the following inspection, monitoring, and certification records with your SWPCP that together keep your records complete and up-to-date, and demonstrate your full compliance with the conditions of this permit:

- A copy of the NPDES application submitted to the DOH along with any correspondence exchanged between you and the DOH specific to coverage under this permit;
- A copy of this permit (an electronic copy easily available to SWPCP personnel is also acceptable);
- Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part B.1.b.iii);
- All inspection reports, including the Routine Facility Inspection Reports (see Part C.1.) and Quarterly Visual Assessment Reports (see Part C.2.b);
- Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts C.2.c and F.1.e);

Measurable Storm Event – a precipitation event that results in a measurable amount of precipitation (i.e., a storm event that results in an actual discharge) and that follows the preceding storm event by at least 72 hours (3-days). The 72-hour storm interval does not apply if you document that less than a 72-hour interval is representative for local storm events.

- Corrective action documentation required per Part D.4;
- Documentation of any benchmark exceedances and the type of response to the exceedance you employed, including:
 - the corrective action taken;
 - a finding that the exceedance was due to natural background pollutant levels;
 - a determination from the DOH that benchmark monitoring can be discontinued because the exceedance was due to run-on; or
 - a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice consistent with Part F.2.a.ii.

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- Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge or were solely attributable to natural background sources (see Part F.2.b).
6. Drainage Area Site Map
- Document in your SWPCP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).
7. Summary of Potential Pollutant Sources
- Document in the SWPCP the following additional sources and activities that have potential pollutants associated with them: outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).
8. Additional Inspection Requirements
- Include the following in all quarterly routine facility inspections: pressure washing areas; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

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F. MONITORING

You must collect and analyze storm water samples and document monitoring activities consistent with the procedures described in Part F; HAR Chapter 11-55, Appendix A, Subsection 14 and 16; and must be sufficiently sensitive as defined at 40 CFR 122.21(e)(3) and 122.44(i)(1)(iv). Unless otherwise noted in this permit, all pollutant parameters shall be determined according to methods prescribed in 40 CFR Part 136, promulgated pursuant to Section 304(h) of the Act. Applications for the use of alternative test methods shall be submitted according to 40 CFR Part 136.4. The Permittee shall use the most current revision to 40 CFR 136. Refer to Part G for reporting and recordkeeping requirements

1. Monitoring Procedures

a. Monitoring Outfalls.

Applicable monitoring requirements apply to each outfall authorized by this permit, except as otherwise exempt from monitoring as a “substantially identical outfall.” If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to storm water, and runoff coefficients of their drainage areas, you may monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s). Your SWPCP must identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations. The allowance for monitoring only one of the substantially identical outfalls is not applicable to any outfalls with numeric effluent limitations. You are required to monitor each outfall covered by a numeric effluent limit as identified in Part F.2.b.

b. Commingled Discharges.

If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable.

c. Measurable Storm Events.

All required monitoring must be performed on a storm event that results in an actual discharge from your site (“measurable storm event”) that follows the preceding measurable storm event by at least 72 hours (three days). The 72-hour (3-day) storm interval does not apply if you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period.

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For each monitoring event, you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event.

d. Sample Type.

You must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part F.1.c. Samples must be collected within the first 30 minutes of a discharge associated with a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPCP explaining why it was not possible to take samples within the first 30 minutes.

e. Adverse Weather Conditions.

When adverse weather conditions as described in Part C.2.c prevent the collection of samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt you from having to file a benchmark monitoring report in accordance with your sampling schedule. As specified in Part G.4, you must use NetDMR to report any failure to monitor using a “no data” or “NODI” code during the regular reporting period.

f. Climates with Irregular Storm Water Runoff.

If your facility is located in areas where limited rainfall occurs during parts of the year (e.g., arid or semi-arid climates) that prevent runoff from occurring for extended periods, required monitoring events may be distributed during seasons when precipitation occurs. You must still collect the required number of samples. As specified in Part G.4, you must also use NetDMR to report using a “no data” or “NODI” code for any of the regular reporting periods that there was no monitoring.

g. Monitoring Periods.

Monitoring requirements in this permit begin in the first full quarter following the effective date of this permit. If your monitoring is required on a quarterly basis (e.g., benchmark monitoring), you must monitor at least once in each of the following 3-month intervals:

- January 1 – March 31;
- April 1 – June 30;
- July 1 – September 30;
- October 1 – December 31.

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For example, if you obtain permit coverage on July 2, 2019, then your first monitoring quarter is October 1 - December 31, 2019.

h. Monitoring Reports.

Discharge Monitoring Reports (DMRs) shall be submitted in compliance with Federal eReporting Rule Requirements and monitoring data must be reported using the EPA's electronic NetDMR tool at www.epa.gov/netdmr, as described in Part G.4.

2. Required Monitoring.

This permit includes three types of required analytical monitoring, one or more of which may apply to your discharge:

- Quarterly benchmark monitoring (see Part F.2.a);
- Impaired waters monitoring (see Part F.2.b); and
- Other monitoring as required by the DOH (see Part F.2.c).

When more than one type of monitoring for the same pollutant at the same outfall applies (e.g., total suspended solids once per year for an effluent limitation and once per quarter for benchmark monitoring at a given outfall), you may use a single sample to satisfy both monitoring requirements (i.e., one sample satisfying both the annual effluent limitation sample and one of the four quarterly benchmark monitoring samples). When the effluent limitation is lower than the benchmark concentration for the same pollutant, your corrective action trigger is based on an exceedance of the effluent limitation, which would subject you to the corrective action requirements of Part D.1.

Note: Exceedance of an effluent limitation associated with the results of any analytical monitoring type required by this Part subjects you to the corrective action requirements of Part D.1.

All required monitoring must be conducted in accordance with the procedures described in HAR Chapter 11-55, Appendix A, Subsection 14.

a. Benchmark Monitoring.

This permit specifies pollutant benchmark concentrations that are applicable to certain sectors/subsectors. Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your control measures and to assist you in determining when additional corrective action(s) may be necessary to comply with the effluent limitations in Part B.

The benchmark concentrations are not effluent limitations; a benchmark

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exceedance, therefore, is not a permit violation. However, if corrective action is required as a result of a benchmark exceedance, failure to conduct required corrective action is a permit violation.

At your discretion, more than four samples may be taken during separate runoff events and used to determine the average benchmark parameter concentration for facility discharges.

i. Applicability of Benchmark Monitoring.

You must monitor for the benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to your discharge. Your industry specific benchmark concentrations are listed in the table below:

Effluent Parameter (units)	Benchmark Monitoring Concentration
Total Aluminum (mg/l)	0.75
Total Iron (mg/l)	1.0
Total Lead (Salt Water) (mg/l)	0.21
Total Zinc (Salt Water) (mg/l)	0.09

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which you are required to sample.

ii. Benchmark Monitoring Schedule.

Benchmark monitoring must be conducted quarterly, as identified in Part F.1.g, for your first four full quarters of permit coverage commencing no earlier than 90-days after permit issuance.

If the Facility is in a climate with irregular storm water runoff, as described in Part F.1.f, the Permittee may modify the quarterly schedule provided that this revised schedule is reported directly to the DOH by the due date of the first benchmark sample, and that this revised schedule is kept with the Facility's SWPCP as specified in Part E.5. When conditions prevent you from obtaining four samples in four consecutive quarters, you must continue monitoring until you have the four samples required for calculating your benchmark monitoring average. As noted in Part F.1.f, you must use NetDMR to report using a "no

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data" or "NODI" code for any 3-month interval that you did not take a sample.

Data not exceeding benchmarks: After collection of four quarterly samples, if the average of the four monitoring values for any parameter does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter for the permit term.

Data exceeding benchmarks: After collection of four quarterly samples, if the average of the four monitoring values for any parameter exceeds the benchmark, you must, in accordance with Part D, review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit, and either:

- Make the necessary modifications and continue quarterly monitoring until you have completed four additional quarters of monitoring for which the average does not exceed the benchmark; or
- Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations in Parts B.1 and B.2 of this permit, in which case you must continue monitoring once per year. You must also document your rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with your SWPCP.

You must review your control measures and perform any required corrective action immediately (or document why no corrective action is required), per Part D, without waiting for the full four quarters of monitoring data, when an exceedance of the four-quarter average is mathematically certain. If after modifying your control measures and conducting four additional quarters of monitoring, your average still exceeds the benchmark (or if an exceedance of the benchmark by the four-quarter average is mathematically certain prior to conducting the full four additional quarters of monitoring), you must again review your control measures and take one of the two actions above.

Natural background pollutant levels: Following the first four quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than four quarters of data; see above), if the average concentration of a pollutant exceeds a benchmark value, and you determine that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, you are not required to perform corrective action or additional benchmark monitoring provided that:

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- The average concentration of your benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background; and
- You document and maintain within your SWPCP your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your storm water discharge.

Natural background pollutants are those substances that are naturally occurring in soils or ground water. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring, such as other industrial sites or roadways. However, the DOH-CWB may determine that you are eligible to discontinue monitoring for pollutants that occur solely from run-on sources.

b. Discharges to Impaired Waters Monitoring.

Note: For the purposes of this permit, your project is considered to discharge to an impaired water if the first State waters to which you discharge is identified by the state of Hawaii pursuant to Section 303(d) of the CWA as not meeting an applicable water quality standard, or has been removed from the 303(d) list either because the impairments are addressed by a DOH established and EPA-approved TMDL or is covered by pollution control requirements that meet the requirements of 40 CFR 130.7(b)(1). For discharges that enter separate storm sewer systems prior to discharge, the first State waters to which you discharge is the waterbody that receives the storm water discharge from the storm sewer system.

The Permittees is required to monitor discharges to impaired waters.

Discharges to impaired waters without a DOH established and EPA-approved TMDL: Beginning in the first full quarter following the effective date of this permit, you must monitor all pollutants for which the waterbody is impaired and for which a standard analytical method exists (see 40 CFR Part 136) once per year at each outfall (except substantially identical outfalls) discharging storm water to impaired waters without a DOH established and EPA-approved TMDL.

If the pollutant of concern for the impaired waterbody is suspended solids, turbidity or sediment/sedimentation, you must monitor for Total Suspended Solids (TSS). If a pollutant of concern is expressed in the form of an indicator or

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surrogate pollutant, you must monitor for that indicator or surrogate pollutant. No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or other non-pollutant.

If the pollutant of concern is not detected and not expected to be present in your discharge, or it is detected but you have determined that its presence is caused solely by natural background sources, you may discontinue monitoring for that pollutant. To support a determination that the pollutant's presence is caused solely by natural background sources, you must document and maintain with your SWPCP, as required by Part E.5:

- An explanation of why you believe that the presence of the pollutant of concern in your discharge is not related to the activities or materials at your facility; and
- Data and/or studies that tie the presence of the pollutant of concern in your discharge to natural background sources in the watershed. Natural background pollutants include those that occur naturally as a result of native soils, and vegetation, wildlife, or ground water.

Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources that are not naturally occurring. However, you may be eligible to discontinue annual monitoring for pollutants that Separate storm systems do not include combined sewer systems or sanitary sewer systems. Separate storm systems include both municipal storm sewer systems (MS4s) and non-municipal separate storm sewers. occur solely from these sources and should consult the DOH for guidance.

Discharges to impaired waters with a DOH established and EPA-approved TMDL: For storm water discharges to waters for which there is a DOH established and EPA-approved TMDL, you are not required to monitor for the pollutant(s) for which the TMDL was written unless the DOH informs you, upon examination of the applicable TMDL and its waste load allocation, that you are subject to such a requirement consistent with the assumptions and requirements of the applicable TMDL and its waste load allocation. The DOH's notice will include specifications on monitoring parameters and frequency. Permittees must consult the DOH for guidance regarding required monitoring under this Part.

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c. Additional Monitoring Required by the DOH.

The DOH may also notify you of additional discharge monitoring requirements that the DOH determines are necessary to meet the permit's effluent limitations. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

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G. REPORTING AND RECORDKEEPING

1. Electronic Reporting Requirement.

You must submit all NPDES Application, NOCs, Annual Reports, DMRs, and other reporting information as appropriate electronically via the e-Permitting Portal and in compliance with Federal eReporting Rule requirements.

2. Submitting Information to the DOH.

All information and reports required under this permit and updates to information on file shall be submitted through the CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs, or as specified by the DOH. This form is accessible through the e-Permitting portal website at:

<https://eha-cloud.doh.hawaii.gov/epermit/>. If not already registered, you will be asked to do a one-time registration to obtain your login and password. After you register, click on the Application Finder tool to locate the form. Follow the instructions to complete and submit this form. All submissions shall include a CD or DVD containing the downloaded e-Permitting submission and a completed Transmittal Requirements and Certification Statement for e-Permitting NPDES/NGPC Compliance Submissions Form, with original signature and date.

Information required to be submitted to the DOH via e-Permitting Portal:

- CWB Individual NPDES Form;
- CWB Compliance Submittal Form for Individual NPDES Permits and NGPCs;
- Notice of Cessation; and
- Annual Report (Part G.5).

Note: DMRs (see Part G.4) are required to be submitted using EPA's NetDMR system, available at www.epa.gov/netdmr.

3. Additional SWPCP Information Required in Your SWPCP.

You must include the following SWPCP information as follows:

- Onsite industrial activities exposed to storm water, including potential spill and leak areas (see Parts E.2.c.i and E.2.c.iii);
- Pollutants or pollutant constituents associated with each industrial activity exposed to storm water that could be discharged in storm water and/or any authorized non-storm water discharges (see Part E.2.c.ii);
- Storm water control measures you employ to comply with the non-numeric technology-based effluent limits required in Part B.1.b, and any other

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measures taken to comply with the requirements in Part B.2 Water Quality - Based Effluent Limitations; and

- Schedule for good housekeeping and maintenance (see Part E.2.e.i) and schedule for all inspections required in Part C (see Part E.2.e.ii).

4. Reporting Monitoring Data to the DOH.

Reports shall be submitted in compliance with Federal eReporting Rule requirements. All monitoring data collected pursuant to Part F.2 must be submitted to the DOH via the e-Permitting Portal and also using EPA's NetDMR system (available at www.epa.gov/netdmr) no later than 30 days after you have received your complete laboratory results for all monitoring outfalls for the reporting period. Your monitoring requirements (i.e., parameters required to be monitored and sample frequency) will be prepopulated on your electronic DMRs form based on the information you reported on your CWB Individual NPDES form). Accordingly, the following changes to your monitoring frequency must be reported to the DOH through the submittal of a "CWB Compliance Submittal Form for Individual NPDES and NGPCs" form in the e-Permitting Portal, which will trigger changes to your monitoring requirements in NetDMR:

- All benchmark monitoring requirements have been fulfilled for the permit term;
- All impaired waters monitoring requirements have been fulfilled for the permit term;

Once monitoring requirements have been completely fulfilled, you are no longer required to report monitoring results using NetDMR. If you have only partially fulfilled your benchmark monitoring and/or impaired waters monitoring requirements (e.g., your four quarterly average is below the benchmark for some, but not all, parameters; you did not detect some, but not all, impairment pollutants), you must continue to use NetDMR to report your results, but you must report a "no data" or "NODI" code for any monitoring parameters that have been fulfilled.

For benchmark monitoring, note that you are required to submit sampling results to the DOH no later than 30 days after receiving your complete laboratory results for all monitored outfalls for each quarter that you are required to collect benchmark samples, per Part F.2.a.ii. If you collect samples during multiple storm events in a single quarter (e.g., due to adverse weather conditions or climates with irregular storm water runoff), you are required to submit all sampling results for each storm event to the DOH within 30 days of receiving all laboratory results for the event. Or, for any of your monitored outfalls that did not have a discharge within the reporting period, using NetDMR you must report using a "no data" or

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“NODI” code for that outfall no later than 30 days after the end of the reporting period.

5. Annual Report.

You must submit an Annual Report to the DOH electronically, per Part G.2, by January 30th for each year of permit coverage containing information generated from the past calendar year. You must include the following information:

- A summary of your past year’s routine facility inspection documentation required (Part C.1).
- A summary of your past year’s quarterly visual assessment documentation (see Part C.2.b of the permit);
- For any four-sample (minimum) average benchmark monitoring exceedance, if after reviewing the selection, design, installation, and implementation of your control measures and considering whether any modifications are necessary to meet the effluent limits in the permit, you determine that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice, your rationale for why you believe no further reductions are achievable (see Part F.2.a.ii of the permit); and
- A summary of your past year’s corrective action documentation (see Part D.4). If corrective action is not yet completed at the time of submission of your annual report, you must describe the status of any outstanding corrective action(s). Also describe any incidents of noncompliance in the past year or currently ongoing, or if none, provide a statement that you are in compliance with the permit.

Your Annual Report must also include a statement, signed and certified in accordance with HAR Chapter 11-55, Appendix A, Subsection 15.

6. Additional Reporting.

In addition to the reporting requirements stipulated in Part G, you are also subject to the standard permit reporting provisions of HAR Chapter 11-55, Appendix A, Subsection 16. Reports shall be submitted to the DOH using the “CWB Compliance Submittal Form for Individual NPDES and NGPCs” form via the e-Permitting Portal or as specified by the DOH.

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You must submit the following reports to the DOH. If you discharge through an MS4, you must also submit these reports to the MS4 operator (identified pursuant to Part E.2.b).

- 24-hour reporting – You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances;
- 5-day follow-up reporting to the 24-hour reporting – A written submission must also be provided within five days of the time you become aware of the circumstances;
- Reportable quantity spills – You must provide notification, as required under Part B.1.b.iv, as soon as you have knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity;
- Planned changes – You must give notice to the DOH promptly, no fewer than 30 days prior to making any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;
- Anticipated noncompliance – You must give advance notice to the DOH of any planned changes in the permitted facility or activity which you anticipate will result in noncompliance with permit requirements;
- Compliance schedules – Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date;
- Other noncompliance – You must report all instances of noncompliance not reported in your annual report, compliance schedule report, or 24-hour report at the time monitoring reports are submitted; and
- Other information – You must promptly submit facts or information if you become aware that you failed to submit relevant facts in your CWB Individual NPDES Form, or that you submitted incorrect information in your CWB Individual NPDES Form or in any report.

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7. Recordkeeping.

You must retain copies of your SWPCP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part E.5 (including documentation related to corrective actions taken pursuant to Part D), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NPDES application to be covered by this permit, for a period of at least three years from the date that your coverage under this permit expires or is terminated.

8. The DOH-CWB Address for Reports.

Clean Water Branch
2827 Waimano Home Road #225
Pearl City, Hawaii 96782

07005PCTM.19b

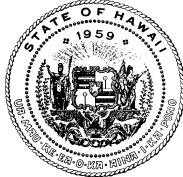
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H. LOCATION MAP



PUBLIC NOTICE PERMIT
July 25, 2019

DAVID Y. IGE
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, Ph.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
EMD/CWB

07005PCTM.19b
DATE: July 25, 2019
NPDES PERMIT NO.: HI S000556

PERMIT RATIONALE: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TO THE WATERS OF THE UNITED STATES

PERMITTEE: KANEOHE YACHT CLUB

FACILITY: KANEOHE YACHT CLUB MAINTENANCE AREA

FACILITY LOCATION

Kaneohe Yacht Club
44-503 Kaneohe Bay Drive
Kaneohe, Hawaii 96744
TMK: (1) 4-4-022:032

PERMITTEE MAILING ADDRESS

Kaneohe Yacht Club
44-503 Kaneohe Bay Drive
Kaneohe, Hawaii 96744
Contact: Mr. Frederic Berg
Commodore
Phone No.: (808) 284-4221
E-mail: 808.284.4221@earthlink.net

PERMIT STATUS

Kaneohe Yacht Club submitted an Individual NPDES Permit application for discharges of storm water associated with industrial activities for the Kaneohe Yacht Club, dated June 21, 2018. The DOH-CWB has reviewed the Individual NPDES Permit application and considers it to be complete. Permit No. HI S000556 has been assigned to the Individual NPDES Permit application.

The Director of Health (Director) proposes to issue a permit to discharge to the waters of the State and has included in the proposed draft permit those terms and conditions which the Director determined are necessary to carry out the provisions of the Federal Clean Water Act of 1977 (PL 95-217) and Hawaii Revised Statutes (HRS), Chapter 342D.

The NPDES Permit will expire at midnight, five (5) years from the date of issuance.

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FACILITY LOCATION AND OPERATION

- A. Kaneohe Yacht Club is located at 44-503 Kaneohe Bay Drive, Kaneohe, Hawaii 96744, on the Windward side of the Island of Oahu, Makai of Kaneohe Bay Drive and Keaala Neighborhood Park. The facility is a yacht club dedicated to promoting sailing, power boating, and other maritime sports through competitive, recreational, and social activities and is classified under Standard Industrial Classification (SIC) code 7997, (Membership Sports and Recreational Clubs).
- B. Storm water within the maintenance area flows via sheet flow from the asphalt-paved ground surface into a 3-compartment sediment trap The discharge points and receiving water information as follows:

Discharge Point No.	Receiving State Water	Classification	Latitude (N)	Longitude (W)
1	Kaneohe Bay	Class AA, Marine Water and Embayment	21.4175577276°	157.7662827599°

- C. Activities performed in the maintenance area include boat washing and light maintenance under certain restrictions. Light maintenance refers to minor repair activities, such as painting, scraping, sanding and grinding.
- D. The permittee will submit a Storm Water Pollution Control Plan within 120 calendar days of the issuance of the permit that will prevent any violation of HAR, Chapter 11-54.

RECEIVING WATER CLASSIFICATION

The receiving water, Kaneohe Bay, is classified by the DOH as a Class AA, Marine Water and Embayment. It is the objective of Class AA waters that these waters remain in their natural pristine state as nearly as possible with an absolute minimum of pollution or alteration of water quality from any human-caused source or actions. To the extent practicable, the wilderness character of these areas shall be protected.

CWA Section 303(d) requires states to identify specific water bodies where water quality standards are not expected to be met after implementation of technology based effluent limitations on point sources. The DOH published the 2018 State of Hawaii Water Quality Monitoring and Assessment Report on July 11, 2018. The report is pursuant to Sections 303(d) and 305(b) of the Clean Water Act.

Kaneohe Bay is identified as a Category 3 and 5 waters in the assessment report. The report also indicates that portions of Kaneohe Bay have not attained water quality

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criteria for enterococcus, total nitrogen, nitrate+nitrite nitrogen, total phosphorus, turbidity, chlorophyll a, and ammonium nitrogen. At present no Total Maximum Daily Loads (TMDL) have been established for these waterbodies and it is a low priority for TMDL development.

OCEAN DISCHARGE CRITERIA

The Director has considered the Ocean Discharge Criteria, established pursuant to Section 403(c) of the Clean Water Act for the discharge of pollutants into the territorial sea, the waters of the contiguous zone, or the oceans. The EPA has promulgated regulations for Ocean Discharge Criteria in Title 40 Code of Federal Regulations Part 125, Subpart M. Therefore, the Director has determined that the discharge will not cause unreasonable degradation to the marine environment. Based on the current information, the Director proposes to issue a permit.

DESCRIPTION OF THE PROPOSED DISCHARGE

Kaneohe Yacht Club requests to discharge industrial storm water runoff from the proposed facility. Based on the facility's SIC codes, an NPDES permit is required for the discharge activities. Best Management Practices (BMPs) for storm water runoff and non-storm water sources will be implemented to minimize the discharge of erosion and other pollutants from entering receiving State waters. Kaneohe Yacht Club has indicated that structural controls to reduce pollutants in the storm water runoff include a stabilized construction basin and an existing retention/sediment basin sized to sufficiently accommodate storm water runoff from the facility and adjacent areas. Non-structural controls include minimizing exposure to surface areas, regular monitoring and repair of erosion control measures, maintaining a log of BMP inspection and maintenance, and prohibiting the use of leaking or poorly-maintained construction equipment and machinery.

PERMIT CONDITIONS

The Director has considered the permit conditions to discharge storm water runoff associated with industrial activity, established pursuant to the Federal Water Pollution Control Act, Federal Clean Water Act, and the HRS. The Director has determined that the discharges will not cause unreasonable degradation to the receiving water environment when Kaneohe Yacht Club complies with the conditions of the permit. Therefore, based on the current information, the Director proposes to issue a permit.

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PROPOSED DETERMINATIONS

In accordance with HAR §11-55-02(c), §11-55-19(a)(4)(B), and 40 CFR 123.25(a), the proposed permit conditions were meant to be consistent with the EPA's 2015 MSGP, which the DOH, Clean Water Branch also believes is appropriate for Hawaii.

The EPA's 2015 MSGP became effective on August 12, 2015 and all documents related to it, including the Fact Sheet are available at:

<https://www.epa.gov/npdes/final-2015-msgp-documents>. DOH's intent was to develop a permit modelled after the EPA's 2015 MSGP. Thus, the DOH recommends those interested in this Fact Sheet to refer to the EPA's 2015 MSGP Fact Sheet as the primary resource. Please also refer to the previous versions of the EPA's MSGP available at: <https://www.epa.gov/npdes/previous-versions-epas-msgp-documents> for information about how the EPA's MSGP has evolved to its present version.

A majority of the requirements are the same as in the EPA's 2015 MSGP, however, the proposed permit was revised in consideration of the State's Administrative Rules, its implementation procedures (refer to the Hawaii Implementation Plan for Toxic Pollutants and Nutrients in NPDES Permits), and for situations not applicable to Hawaii (e.g., deicing, salt storage, Tier waters, etc.).

There are no ELGs applicable to this facility. This permit contains Benchmark monitoring. For an exceedance of a Benchmark, a violation would occur upon the failure to implement corrective actions. (The permit aims to require the Permittee to implement corrective actions by making the failure to implement corrective actions a violation of the permit instead of numeric effluent limitations. The DOH believes that the implementation of corrective actions to be more important than the exceedance and therefore has adopted the EPA's approach (i.e., EPA's 2015 MSGP). The intent is to place greater emphasis on taking corrective actions to minimize further pollutant discharges than on exceeding a numeric limit. Since the implementation of corrective actions serves as the mechanism for the reduction of the pollutant, the violation occurs upon the failure to take corrective actions and not on the exceedance. The DOH-CWB has determined that it is not feasible to establish numeric water quality based effluent limits (WQBELs) for industrial storm water dischargers; BMPs shall be utilized when numeric effluent limits are infeasible per 40 CFR 122.44(k); and the benchmark monitoring and BMPs in the permit are appropriate WQBELs. Below are the reasons why the DOH-CWB believes numeric WQBELs are not practicable:

- Storm events are variable in nature and the pollutants in the storm water that may or may not originate from the discharger.
- It is extremely difficult, if not impossible to objectively determine if the facility is in compliance with its permit requirements.

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The DOH-CWB acknowledges that requiring the Permittee to comply with numeric WQBELs is viewed as an easier way to measure compliance, but it is not as simple as selecting a number directly from our WQS due to the unique nature of storm events and storm water discharges. Any numeric limit that is placed in an industrial storm water permit must take into consideration the episodic nature of storm events, be truly representative of storm water discharges, and pollutants in the storm water discharges that did not originate from the Permittee that they may not have a means to control.

- There are pollutants in storm water discharges that did not originate from the facility (run on, atmospheric deposition, etc.) or the discharger may not have the means to control the pollutant, and therefore, must be given special consideration.
- Monitoring for enforcement of numeric effluent limits are challenging. While spot checks can be made at the outfall, there could be a wide variation in storm water quality from storm to storm. Since the storm-to-storm variation at the outfall can be high, it is unreasonable to expect all events to be below a numeric value. Also, there could be a number of storm events each year that are large in volume and/or intensity that can exceed the design capacity volume or flow rates of most BMPs. Assessing compliance during these larger events represents another challenge to DOH and the discharger.
- There are no protocols that enable an engineer to design with certainty a BMP that will produce a desired outflow concentration for a constituent of concern. Even if we use % removal, it will vary directly with the inflow concentration. It will take substantial research to develop design criteria for the removal of pollutants with confidence intervals that enable DOH to make reliable estimates of the median and variance of the effluent concentrations to be expected from the various types of BMPs. Until this is done, it is impossible to assign legally enforceable numerical effluent limitation to any particular BMP.
- DOH has to consider the total economic impact and does not want to penalize any facility subject to an industrial storm water permit.

The State has adopted its own WQS in HAR, Chapter 11-54, Water Quality Standards and the permit includes a narrative WQBELs to ensure the authorized discharges will be controlled as necessary to meet applicable water quality standards. The provisions of Part B.2 constitute the WQBELs of the permit.

The WQBELS ensures the permit-authorized discharges will be controlled as necessary to meet applicable water quality standards, pursuant to CWA Section 301(b)(1)(C) and 40 CFR 122.44(d)(1). The following is a list of the permits' WQBELs:

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- Control discharges as necessary to meet applicable water quality standards (i.e., discharges must not cause or contribute to a violation of applicable water quality standards) (See Part B.2.a);
- Implement any additional measures that are necessary to be consistent with the assumptions and requirements of the applicable Total Maximum Daily Load (TMDL) and its wasteload allocation. For discharges to impaired waters without a TMDL, develop and submit a facility specific WLA implementation and monitoring plan when a TMDL is approved by the EPA within one (1) year of notification of the approval date.

In addition, the proposed Permit follows the EPA's 2015 MSGP in covering certain allowable sources of non-storm water which have been both the EPA's and DOH's long stand practice of allowing those discharges from Municipal Separate Storm Sewer Systems (MS4s).

ANTI-BACKSLIDING AND ANTIDEGRADATION

The proposed permit meets anti-backsliding requirements because the proposed project is a new facility and includes the permit requirements established by the DOH for the discharges of storm water associated with industrial activities.

The proposed permit meets Hawaii's anti-degradation policy because it requires the Permittee to apply the best degree of treatment or control to the discharge that will result in pollutants reaching the receiving body of water from the facility to be of an acceptable level, as provided under HAR, Section 11-54-4(c).

PUBLIC COMMENT AND CONTACT INFORMATION

Persons wishing to comment upon or object to the proposed Draft NPDES in accordance with HAR, Sections 11-55-09(b) and 11-55-09(d), may submit their comments in writing either in person or by mail, to:

Clean Water Branch
Environmental Management Division
Department of Health
2827 Waimano Home Road, #225
Pearl City, Hawaii 96782